

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 330-12

### **AN ORDINANCE**

declaring the need to acquire easements for construction of the Hominy Creek Trail Phase II project; authorizing acquisition by negotiation or, if necessary, by condemnation; authorizing the City Manager to obtain and execute all instruments necessary for acquisition of such land; and fixing the time when this ordinance shall become effective.

WHEREAS, the Constitution and Statutes of the State of Missouri and the Home Rule Charter for the City of Columbia, Missouri, authorize the City Council to exercise the power of eminent domain, within or without the City, and among other things, to acquire, and maintain any property, real or personal within or without the City for all public uses or purposes, and to acquire, receive and hold any estate or interest in any such property; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that certain private property be acquired by negotiation or by condemnation for public improvement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby declares the need to acquire the following described easements for construction of the Hominy Creek Trail Phase II project:

DORIS J. OVERTON  
PERMANENT TRAIL EASEMENT (PARCEL 20)  
PARCEL: 17-217-00-03-001.00

AN IRREGULAR SHAPED PARCEL OF LAND ACROSS PART OF A TRACT OF LAND DESCRIBED IN THE WARRANTY DEED IN BOOK 638 AT PAGE 79, SAID TRACT BEING LOT 1 OF RICHLAND HEIGHTS PLAT 2 AS RECORDED IN PLAT BOOK 31 AT PAGE 46, BOTH OF THE BOONE COUNTY RECORDS, SITUATE IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WITH THE EAST LINE OF SAID LOT, S.7°48'30"E., 243.80 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE S.7°48'30"E., 59.25 FEET; THENCE LEAVING SAID LINE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 735.00 FEET A DISTANCE OF 101.05 FEET (THE CHORD OF SAID CURVE HAVING BEARING AND DISTANCE OF S.22°37'05"W., 100.97 FEET); THENCE S16°54'45"W, 200.40 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 435.00 FEET A DISTANCE OF 414.29 FEET (THE CHORD OF SAID CURVE HAVING BEARING AND DISTANCE OF S.47°34'50"W., 398.80 FEET); THENCE S.78°26'45"W., 149.48 FEET; THENCE S.13°15'40"E., 72.22 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WITH SAID LINE S.86°52'55"W., 117.78 FEET; THENCE LEAVING SAID LINE, N.0°02'10"E., 51.69 FEET; THENCE S.73°52'30"W., 146.31 FEET; THENCE S.80°16'05"W., 102.95 FEET; THENCE N.89°08'30"W., 131.15 FEET; THENCE S.0°51'30"W., 8.00 FEET; THENCE N.89°08'30"W., 20.00 FEET; THENCE N.0°51'30"E., 8.00 FEET; THENCE N.89°08'30"W., 43.25 FEET TO THE WEST LINE OF SAID LOT; THENCE WITH SAID LINE N.1°41'00"E., 35.00 FEET; THENCE LEAVING SAID LINE, S.89°08'30"E., 42.75 FEET; THENCE N.0°51'30"E., 8.00 FEET; THENCE S.89°08'30"E., 20.00 FEET; THENCE S.0°51'30"W., 8.00 FEET; THENCE S.89°08'30"E., 113.53 FEET; THENCE N.5°11'35"W., 162.92 FEET; THENCE N.20°49'10"E., 60.68 FEET; THENCE N.26°45'35"E., 52.17 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HILLSDALE ROAD; THENCE WITH SAID RIGHT-OF-WAY LINE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET A DISTANCE OF 20.14 FEET (THE CHORD OF SAID CURVE HAVING BEARING AND DISTANCE OF S.63°06'15"E., 20.00 FEET); THENCE LEAVING SAID LINE, S.26°45'35"W., 52.12 FEET; THENCE S.0°38'15"E., 45.32 FEET; THENCE S.1°40'10"E., 162.44 FEET; THENCE N.80°23'50"E., 80.96 FEET; THENCE N.75°08'55"E., 301.13 FEET; THENCE N.79°08'25"E., 98.43 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET A DISTANCE OF 380.95 FEET (THE CHORD OF SAID CURVE HAVING BEARING AND DISTANCE OF N.47°34'50"E., 366.72 FEET); THENCE N.16°54'00"E., 199.41 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 770.00 FEET A DISTANCE OF 154.81 FEET (THE CHORD OF SAID CURVE HAVING BEARING AND DISTANCE OF N.24°26'25"E., 154.55 FEET) TO THE POINT OF BEGINNING AND CONTAINING 1.48 ACRES, INCLUSIVE OF 12,195 SQUARE FEET OF EXISTING AND PLATTED SEWER, ELECTRIC, UTILITY AND DRAINAGE EASEMENTS. 1.36 ACRES OF THE DESCRIBED PARCEL IS WITHIN THE GREENSPACE ACCESS EASEMENT AS SHOWN BY SAID RICHLAND HEIGHTS PLAT 2.

DORIS J. OVERTON  
PERMANENT TRAIL EASEMENT (PARCEL 21)  
PARCEL: 17-217-00-00-001.00

A FOUR (4) SIDED PARCEL OF LAND ACROSS A PART OF A TRACT OF LAND DESCRIBED IN THE WARRANTY DEED IN BOOK 638 AT PAGE 79, SAID TRACT BEING PART OF REBEL HILLS MOBILE HOME PARK AS RECORDED IN PLAT BOOK 10 AT PAGE 50, BOTH OF THE BOONE COUNTY RECORDS; SITUATE IN THE CITY

OF COLUMBIA, BOONE COUNTY, MISSOURI; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF RICHLAND HEIGHTS PLAT 2 AS RECORDED IN PLAT BOOK 31 AT PAGE 46 OF SAID RECORDS; THENCE ALONG THE SOUTH LINE OF SAID PLAT N.86°52'55"E., 437.55 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE N.86°52'55"E., 117.78 FEET; THENCE LEAVING SAID LINE S.13°15'40"E., 98.99 FEET; THENCE S.85°44'20"W., 140.64 FEET; THENCE N.0°02'10"E., 100.39 FEET TO THE POINT OF BEGINNING AND CONTAINING 12,780 SQUARE FEET.

K-9 VENTURE ASSOCIATES, LLC  
PERMANENT TRAIL EASEMENT (PARCEL 33)  
PARCEL: 17-203-00-05-004.00

A STRIP OF LAND ALONG THE NORTH PART OF A TRACT OF LAND DESCRIBED IN THE TRUSTEE'S DEED IN BOOK 2873 AT PAGE 161, SAID TRACT BEING LOT 1B AND LOT 1C OF THE ADMINISTRATIVE PLAT OF LOT 1 OF T AND T SUBDIVISION PLAT NO. 2 AS RECORDED IN BOOK 1409 AT PAGE 600, BOTH OF THE BOONE COUNTY RECORDS; SITUATE IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1B; THENCE WITH THE NORTH LINE OF SAID LOTS 1B AND 1C, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF I-70 DRIVE SOUTHEAST, N73°42'30"E, 277.74 FEET TO THE NORTHEAST CORNER OF SAID LOT 1C; THENCE WITH THE EAST LINE OF SAID LOT, S1°43'20"W, 30.22 FEET; THENCE LEAVING SAID EAST LINE, S73°47'40"W, 211.20 FEET; THENCE S76°36'30"W, 65.44 FEET TO THE WEST LINE OF SAID LOT 1B; THENCE WITH SAID WEST LINE, N1°43'20"E, 26.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 7,817 SQUARE FEET, INCLUSIVE OF 2,939 SQUARE FEET OF ELECTRIC EASEMENT AS SHOWN IN BOOK 1406, PAGE 616 AND THE PLATTED UTILITY EASEMENT.

K-9 VENTURES ASSOCIATES, LLC, OWNERS  
PERMANENT TRAIL EASEMENT (PARCEL 34)  
PARCEL # 17-203-00-05-003.02

A STRIP OF LAND ACROSS THE NORTH PART OF LOT 1D OF THE ADMINISTRATIVE PLAT OF LOT 1, T AND T SUBDIVISION PLAT NO. 2, RECORDED IN BOOK 1409, PAGE 600, BEING ACROSS PART OF THE TRACTS DESCRIBED BY THE TRUSTEE'S DEEDS RECORDED IN BOOK 2873, PAGE 162 AND BOOK 3062, PAGE 140 AND BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1D; THENCE WITH THE NORTH LINE OF SAID LOT 1D, N73°42'30"E, 399.88 FEET; THENCE LEAVING SAID NORTH LINE AND WITH THE EAST LINE OF SAID LOT 1D AND SAID EAST LINE EXTENDED ALONG THE LINES OF SAID TRUSTEE'S DEED RECORDED IN BOOK 3062, PAGE 140, S16°17'30"E, 34.05 FEET; THENCE LEAVING THE LINES OF SAID TRACT, S71°51'00"W, 73.25 FEET; THENCE S78°01'30"W, 97.50 FEET; THENCE S73°47'40"W, 238.80 FEET TO THE WEST LINE OF SAID LOT 1D; THENCE WITH SAID WEST LINE, N1°43'20"E, 30.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 12,535 SQUARE FEET, INCLUSIVE OF 6,040 SQUARE FEET WITHIN THE UTILITY EASEMENT SHOWN ON SAID ADMINISTRATIVE PLAT OF LOT 1, T AND T SUBDIVISION.

THE LINKS AT COLUMBIA  
PERMANENT UTILITY EASEMENT (PARCEL 36)  
PARCEL: 17-203-00-12-001.00

A FOUR (4) SIDED PARCEL OF LAND IN THE SOUTH PART OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED IN BOOK 2778 AT PAGE'S 147 AND 148, SAID TRACT BEING PART OF LOT 2 OF THE LINKS AT COLUMBIA, PLAT 1 AS RECORDED IN PLAT BOOK 40 AT PAGE 70, BOTH OF THE BOONE COUNTY RECORDS; SITUATE IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE ALONG THE SOUTH LINE OF SAID LOT, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 70, S.86°56'25"E., 102.44 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID LINE N.10°47'45"E., 199.92 FEET; THENCE S.79°12'15"E., 12.00 FEET; THENCE S.10°47'45"W., 198.25 FEET TO SAID SOUTH LINE; THENCE ALONG SAID LINE N.86°56'25"W., 12.11 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,389 SQUARE FEET INCLUSIVE OF 242 SQUARE FEET OF PLATTED UTILITY EASEMENT.

SECTION 2. The City Manager is authorized to acquire the land described in Section 1 by negotiation.

SECTION 3. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the land described in Section 1.

SECTION 4. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 1, on the proper compensation to be paid for such land, or if the owner is incapable of contracting, is unknown, or cannot be found, or is a non-resident of the State of Missouri, the City Counselor is authorized to petition the Circuit Court of Boone County, Missouri, to acquire the land described in Section 1 by condemnation.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

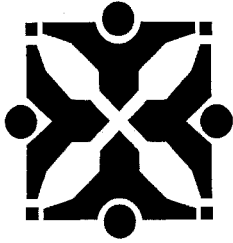
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Public Works *gsh*

Agenda Item No:

To: City Council  
From: City Manager and Staff *MM*

Council Meeting Date: Nov 19, 2012

Re: Acquisition of Trail Easements for the Hominy Creek Trail Phase II Project

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration an ordinance authorizing the acquisition of five easements from three property owners for Phase II of the Hominy Creek Trail project. Acquisition of two of the parcels was deferred when presented at the January 18, 2011 Council meeting, pending resolution of alignment issues. Council accepted a report (REP108-11 attached) at the July 5, 2011 Council meeting and directed staff to proceed with the acquisition. The acquisition of the other three parcels resulted from the redesign of a stream crossing and the impact of a MoDOT project that will replace the I-70 bridge over the planned trail with a culvert. A public hearing was held on September 7, 2010.

**DISCUSSION:**

Phase II of the Hominy Creek Trail project begins near Woodridge park and extends north-eastward along Hominy Creek passing under Interstate 70 to connect with an existing trail easement through The Links development. Diagrams of the proposed trail and easements are attached.

At the January 18, 2011 Council meeting, three parcels were removed from the ordinance to acquire easements for the Hominy Creek Trail Phase II project to allow staff additional time to discuss possible trail alignment options with the adjacent property owners, with the goal of reaching a consensus on the trail alignment. This was accomplished, and at the July 5, 2011 Council meeting, staff was directed to proceed with acquisition of one of the parcels (Frech) and easements on the other two parcels (K-9 and 3 Chix, parcels 33 and 34). The Frech acquisition has been completed, and the 3 Chix parcel has since been acquired by K-9.

After a trail easement was acquired on the Overton parcels (20 and 21), stream no-rise calculations resulted in the redesign of the stream crossing, and a change to the required easements. A third change resulted from MoDOT's project to replace the westbound I-70 bridge with a culvert. The length of the culvert resulted in the need to add lighting inside the culvert for trail users. This necessitated the need for a utility easement from The Links to bring power to the culvert (parcel 36).

**FISCAL IMPACT:**

The estimated total cost for Phase II of the trail project is \$925,000 (\$138,000 for design, \$148,000 for easements and \$639,000 for construction). The project will be paid from the GetAbout Non-Motorized Transportation Pilot Program.

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

An extensive, safe network of trails, and a safe interconnected, non-motorized transportation network.

**SUGGESTED COUNCIL ACTIONS:**

Approve the ordinance authorizing the acquisition of easements for Phase II of the Hominy Creek Trail project.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$220,102.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$285,640.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12.4
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	13.1
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

Hominy contacts

Oct – Nov 2012

The Links at Columbia : Lindsay Management, Arkansas

Contact: Hugh Jarratt, [hugh.jarratt@lindseymanagement.com](mailto:hugh.jarratt@lindseymanagement.com)

- 10/12/2012 Contacted Stephanie Smith, 10/12/2012. Set up meeting for 10/15/2012
- 10/15/2012 Met with Stephanie 10/15/2012 to show diagram and description of links property. Stephanie expl need to send docs to corporate office in Arkansas. Scanned and emailed documents to Hugh Jarratt. Stephanie provided contact info.
- 10/22/2012 Contacted Hugh Jarratt 10/22 to make sure the easement was fin. Hugh wasn't happy with easement, expl wouldn't take to owner until revised.
- 10/27/2012 revised easement, obtained desc, emailed to Hugh Jarratt

K-9 Venture Assoc. LLC: Columbia Mo

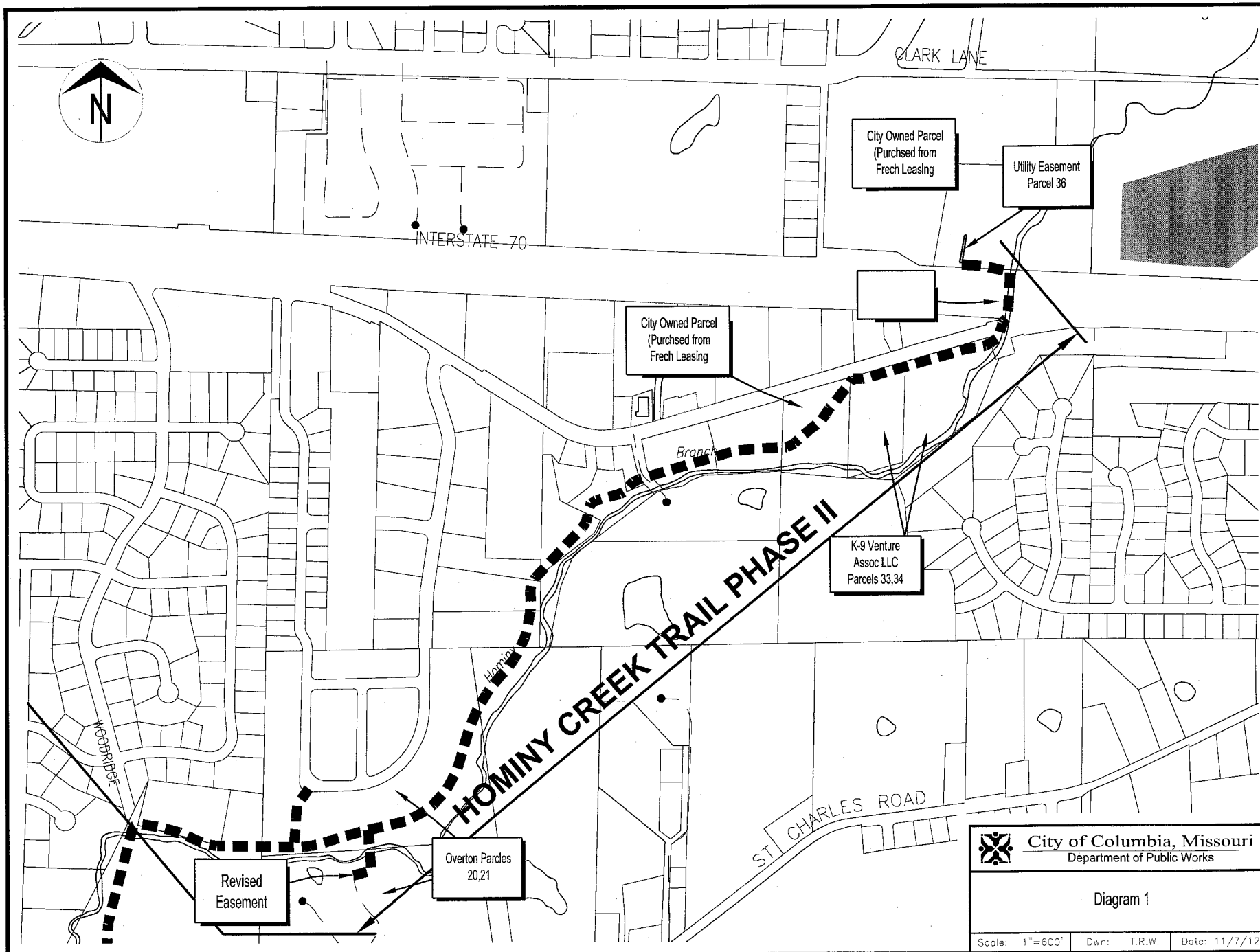
- 10/11/2012 Contacted k-9 Venture. Owner not in. Message left
- 10/16/2012 Contacted k-9 Venture again. Secretary lost message. Owner still not in. Left another message
- 10/18/2012 Virginia (or "Ginger") Called. I expl updated easement desc. She understood. I asked when we could meet, she said Friday afternoon or Saturday. She would talk to her co-owner, call back
- 10/22/2012 after receiving no call, I called k-9 again. No answer.
- 10/23/2012 I took the easement diagrams and description to k-9 assoc after work (as owner doesn't show up until evening) 5:30 PM, I associate called owner to tell her I was there, I spoke to "Ginger" and expl I would just leave documents in k-9 office. She could look at them and contact me for questions. She understood.


Overton: Columbia, Mo

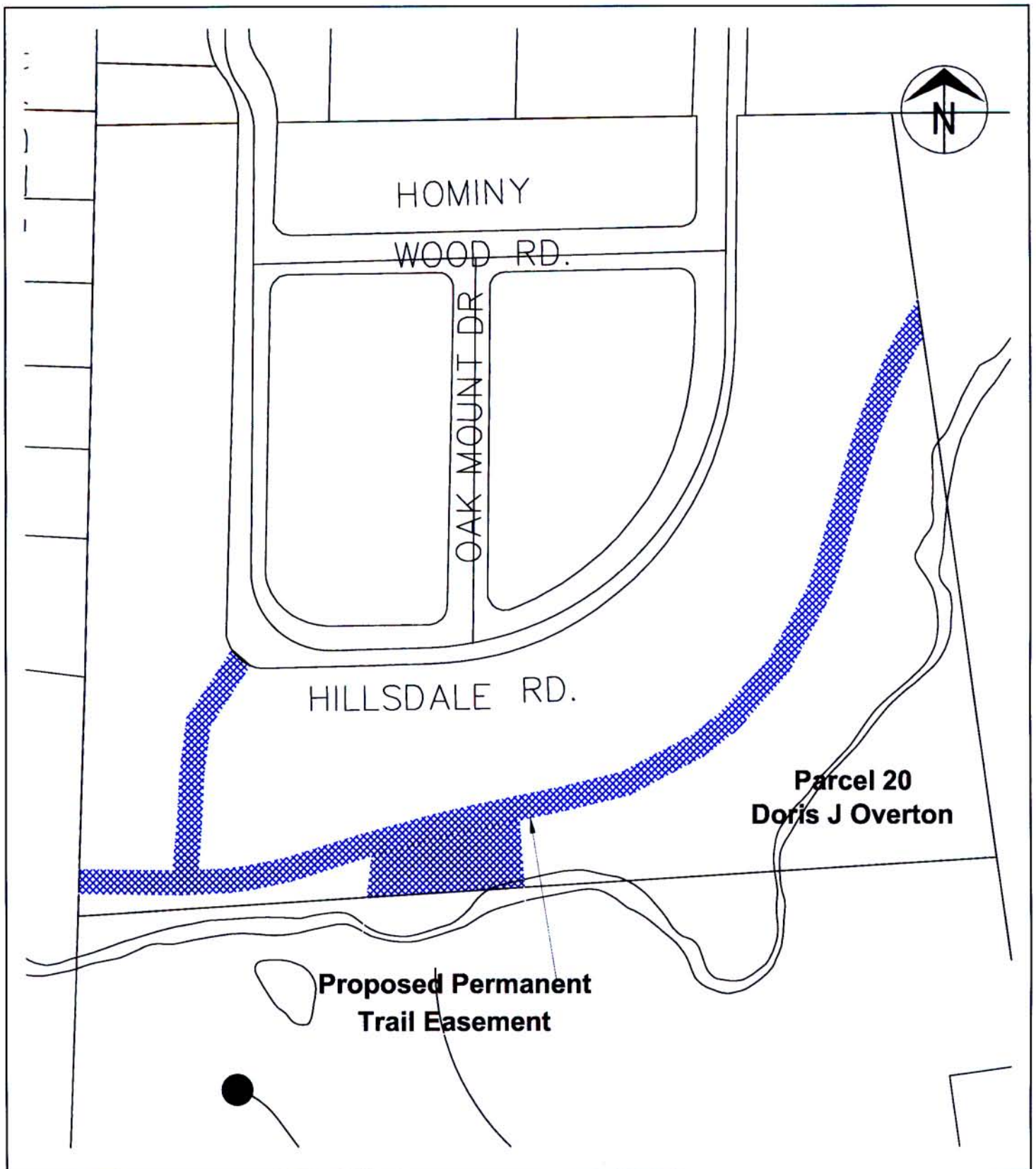
Contact: Steve Windling

- 10/27/2012 Contacted Steve Windling, Doris Overton's Son-in-law and contact for this land, Left Voicemail
- 11/6/12 Contacted Steve Windling again. Left another voicemail.



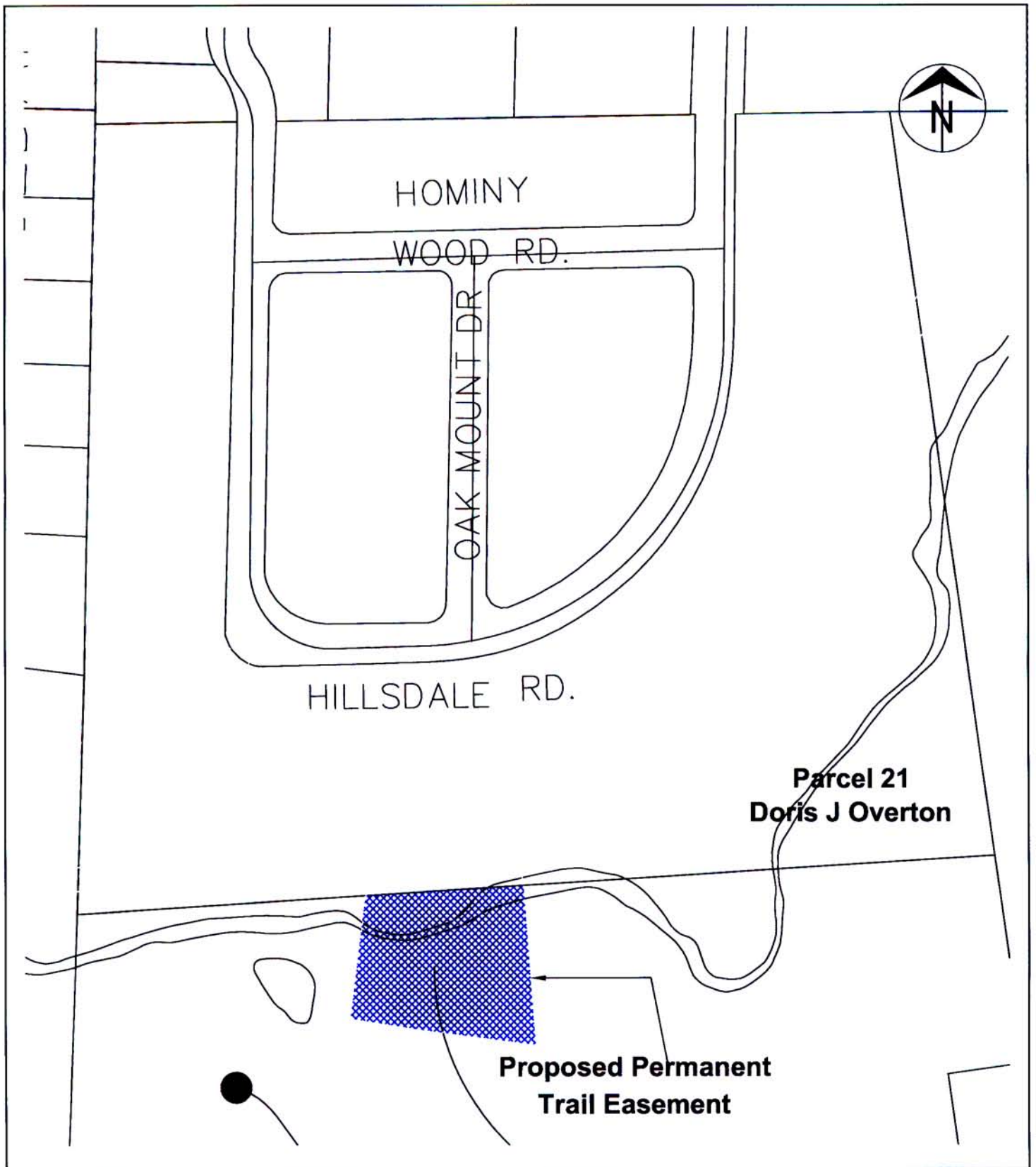


	<b>City of Columbia, Missouri</b> Department of Public Works		
	Diagram 1		
Scale: 1"=600'	Dwn: T.R.W.	Date: 11/7/12	



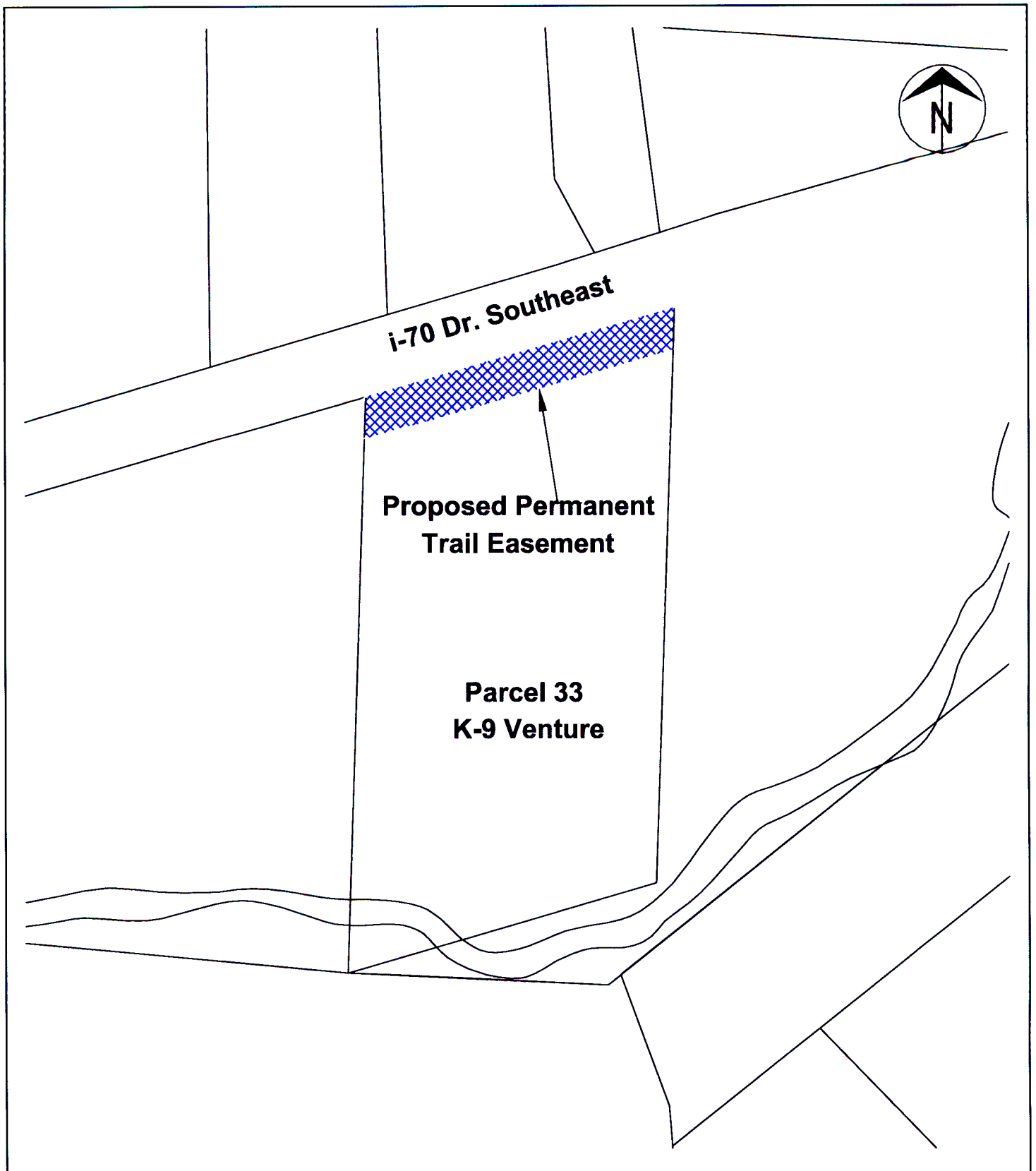
## Display of Proposed Hominy Trail Easements

Parcel 20



# Display of Proposed Hominy Trail Easements

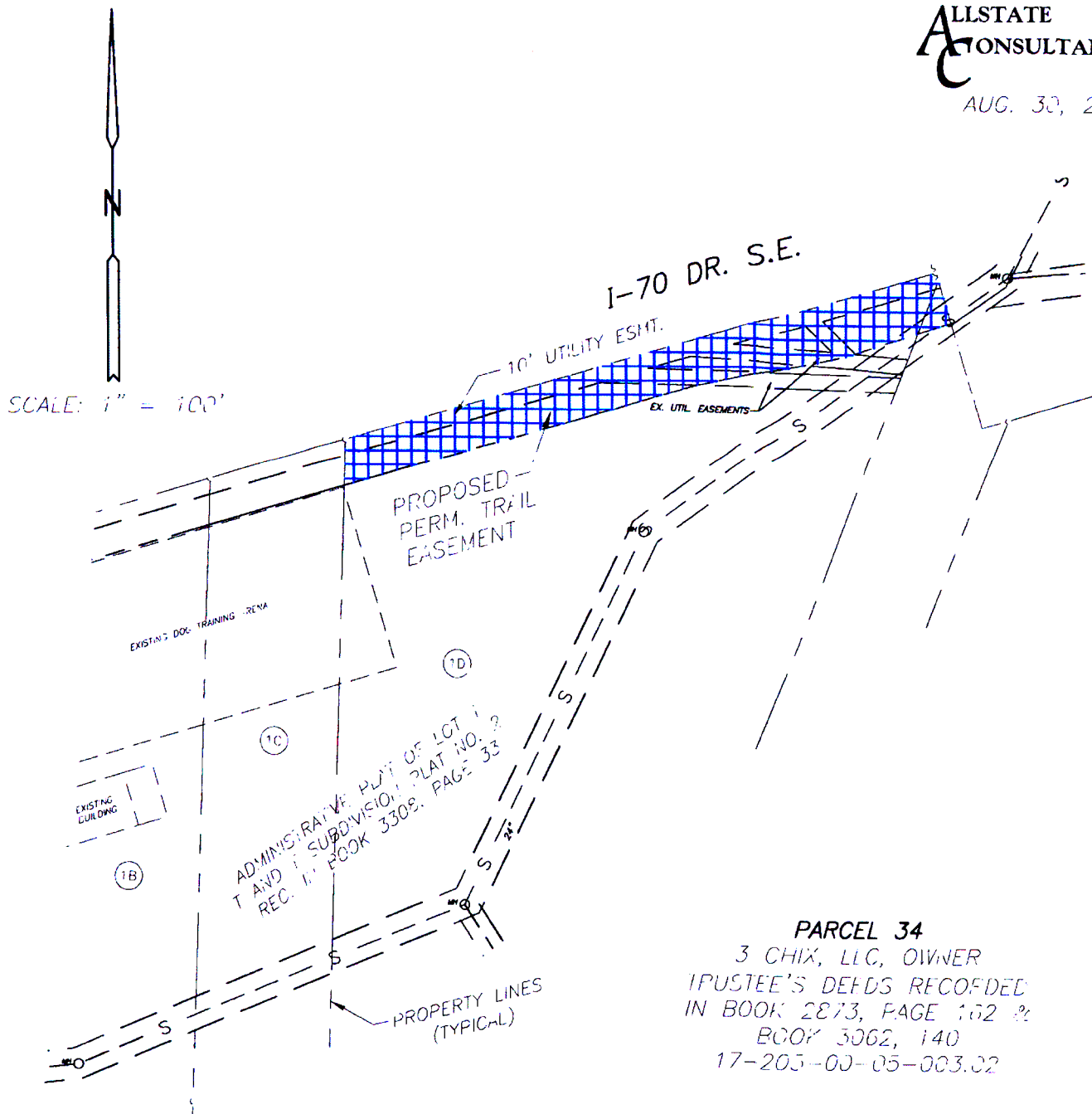
Parcel 21



# Display of Proposed Hominy Trail Easements

Parcel 33

AUG. 30, 2010







**PARCEL 34**  
3 CHIX, LLC, OWNER  
TRUSTEE'S DEEDS RECORDED  
IN BOOK 2873, PAGE 162 &  
BOOK 3062, 140  
17-205-00-05-003.02

PROPOSED PERMANENT TRAIL EASEMENT: 12,535 SQ. FT.  
INCLUSIVE OF 6,040 SQ. FT. OF EXISTING ESMT.

## DISPLAY OF PROPOSED HOMINY TRAIL EASEMENTS



-  Temporary Access Easement
-  Permanent Drainage Easement
-  Temporary Construction Easement
-  Permanent Sanitary Sewer Easement



Scale: 1"=40'

Proposed  
Permanent  
Easement

Existing  
Building

Existing  
Building

16' sani sewer esmt

20' trail esmt

esmt

Parcel 36  
The Links at Columbia

I-70



City of Columbia, Missouri  
Department of Public Works

Hominy Branch Trail  
PUE for Tunnel

Scale: 1" = 50' Dwn: B.J.A. Date: 9/28/12

**Source:**

John Glascock

*John*

Agenda Item No. REP 108-11

**FISCAL and VISION NOTES:****COPY**

<b>City Fiscal Impact</b> Enter all that apply:	
\$285,460	City's current net FY cost.
\$285,460	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs: One-time
\$0	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)
<b>Vision Implementation Impact</b> Enter Below All That Applies: Refer to Website:	
Y	Vision Impact? (Y/N or if N, go no further)
12	Primary Vision, Strategy and/or Goal Item#
12.4.1 12.4.2	Secondary Vision, Strategy and/or Goal Item#
Task #	FY10/FY11 Implementation Task#

**TO:** City Council**FROM:** City Manager and Staff *MM***DATE:** June 22, 2011**RE:** Hominy Creek Trail Phase 2: Trail Alignment on Three Parcels at the East End of the Project**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration a report discussing the Hominy Creek Trail alignment through the parcels shown on the attached Diagram 1.

**DISCUSSION:**

At the January 18, 2011 Council meeting, three parcels were removed from the Ordinance to acquire easements for the Hominy Creek Trail project to allow staff additional time to discuss possible trail alignment options with the adjacent property owners with the goal of reaching a consensus on the trail alignment.

Two alignments have been considered for this portion of Hominy Trail. The attached Diagram 2 shows the two possible trail alignments referred to as the Creek-side Trail Alignment and the Road-side Trail Alignment. The primary difference in the two alignments is how the trail goes beyond the Columbia Canine Sports Center property, which is owned by K-9 Venture Associates LLC, and 3 Chix LLC (K-9 / 3 Chix). Both trail alignments pass under the outer road and I-70 to connect with the existing Hominy Creek Trail which was constructed by The Links development north of I-70.

The Creek-side Trail Alignment is the original concept that was presented at the May 7, 2009 IP meeting. This alignment was originally shown since it followed the creek and provided the most scenic alignment and user facility for the Hominy Creek Trail. At the IP meeting, the K-9 / 3 Chix property managing partner was strongly opposed to the Creek-side Trail Alignment. The owners' concerns were that the trail location on the back side of their property would negatively affect their business of training dogs in the open area of their property between the parking lot and the creek. There are also concerns about dogs-in-training negatively interacting with trail users.

Following the IP meeting, staff worked with the K-9/3 Chix managing partner to address issues and concerns with the project. As a result, the original trail alignment was modified and is shown on Diagram 2 as the Road-side Trail Alignment. This alignment avoids the back area of the K-9 / 3 Chix property by heading north between the Frech property and the K-9 / 3 Chix property up to the outer road

where the trail follows the outer road eastward to the Hominy Creek. While the Road-side Trail Alignment is not as desirable from a trail users viewpoint, the alignment provided a viable option to get the trail connected to the north side of I-70 while working with the adjacent owners to address their concerns. The project presented by staff at the September 7, 2010 public hearing included the Road-side Trail Alignment. Following the public hearing, council directed staff to proceed with the project. The project design and Right of Way descriptions proceeded using the approved Road-side Trail Alignment. Staff prepared the Ordinance to acquire easements for first reading at the January 3, 2011 Council meeting.

Prior to the approval of the Ordinance to acquire, staff was notified that the Frechs were strongly opposed to the Road-side Trail Alignment since it required bringing the trail northward along their eastern property line to get to the outer road. They asked that the trail not be brought to the outer road but rather stay along the creek, and that the trail be located as close as possible to the creek in order to minimize the impact to their property. The easements for the Frech property and the K-9 / 3 Chix property were removed from the Ordinance to acquire to allow staff time to discuss possible trail alignment options with these two adjacent property owners with the goal of reaching a consensus on the trail alignment.

Staff contacted the managing partner for K-9 / 3 Chix properties and flagged a proposed Creek-side Trail Alignment across the property. In discussions with the managing partner it is apparent the owners are still strongly opposed to a trail in this area between their parking lot and the creek, and they believe there will be negative impacts to their business and the trail users with a trail at the back of the property. In consideration of the impasse in reaching a consensus, staff has further studied the trail corridor and future roadway needs in the vicinity in an effort to bring additional considerations into the factors leading to a recommended trail alignment.

The future Ballenger Lane extension from Clark Lane southward to St. Charles Road and Richland Road is shown on the City of Columbia Major Roadway Plan. The future Ballenger Lane extension will include an overpass bridge spanning I-70, the south outer road and the Hominy Creek. There will not be an interchange with I-70 or an intersection with the south outer-road. The Ballenger Lane overpass was originally not a critical factor in determining the Hominy Creek Trail alignment. This is due to the fact that the future Ballenger Lane overpass will be spanning the outer road and creek, and also the trail. If the trail location needs to be adjusted slightly in the future with the bridge construction, that will be an easy matter.

The Missouri Department of Transportation (MoDOT) performed the East Columbia Environmental Impact Study (EC-EIS) to identify east Columbia's current and future transportation needs. The EC-EIS recently received approval by the Federal Highway Administration by the issuance of a Record of Decision (ROD) for the EC-EIS on June 24, 2010. The EC-EIS identifies the preferred alternatives for major roadways in the area as the eastward extension of Stadium Boulevard to Lake of the Woods interchange at I-70, the Ballenger Lane extension and the future improvement of Route WW. While the Stadium Extension and Route WW improvements will be MoDOT projects, the Ballenger Lane extension will be a City of Columbia project. The EC-EIS approved corridor for the Ballenger Lane extension is shown on the attached Diagram 3. The approved corridor shown for Ballenger Lane is 300 ft wide.

Diagram 4 shows the Ballenger Lane extension corridor and trail area in more detail. Since the future Ballenger overpass will be bridging over this area, the future overpass width will likely not be 300 ft wide and the future alignment will be determined to stay within the EC-EIS corridor while also considering financial issues such as avoiding structures as much as possible. At this time, it appears the future extension of Ballenger Lane Extension will likely be within the western portion of the approved



corridor. The Frech tract is approximately 300 ft wide with the eastern approximately 180 ft of the tract affected by the Ballenger Lane extension corridor. At this time, it appears as though the future Ballenger Lane extension will likely require acquisition of the entire Frech property.

Staff is proposing to negotiate with the Frechs for the purchase of their property using roadway corridor preservation funds, similar to the acquisition of property that was done for the future Creasy Springs Road re-alignment. Negotiations will be based on a real estate appraisal. Following negotiation, once a price is agreed upon, staff will bring forth an ordinance authorizing a contract for the purchase of the property. If negotiations are unsuccessful, staff would recommend proceeding with acquisition of the trail easements only. Staff met with the Frechs to inform them of this proposal to acquire their entire property and they are receptive to the negotiation process proceeding.

The successful purchase of the Frech property will provide needed Right of Way for the future extension of Ballenger Lane and will also facilitate construction of the Hominy Creek Trail project along the Road-side Trail Alignment. The portion of the Frech property needed for the trail alignment is proposed to be paid for from Non-Motorized grant funds. Staff is recommending proceeding in the manner outlined above with the Hominy Creek Trail Phase 2 following the Road-side Trail Alignment as approved at the public hearing.

#### **FISCAL IMPACT:**

The estimated total cost for Phase II of the Hominy Creek Trail project is \$1,151,544 (\$115,098 for design, \$148,000 for easements and \$886,857 for construction) with \$285,640 appropriated to date. The project will be paid from the GetAbout Non-Motorized Transportation Pilot Program.

#### **VISION IMPACT:**

Supports 12.4 – An extensive, safe network of trails and 13.1 – a safe, interconnected, non motorized transportation network.

#### **SUGGESTED COUNCIL ACTIONS:**

Council direct staff to proceed with negotiations for the purchase of the Frech tract and to bring forward an Ordinance to acquire the K-9 / 3 Chix easements as needed for construction of the Hominy Creek Trail Phase 2 project.